

Nov 12, 2021

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

SHAWN D. CRANFORD,

Plaintiff,

v.

SPOKANE COUNTY, a political
subdivision of the State of Washington;
SPOKANE COUNTY DETENTION
SERVICES; CO RILEY; CO THOMAS;
CO NEJERA,
Defendants.

No. 2:21-CV-00099-SAB

**ORDER GRANTING
PLAINTIFF'S MOTION TO
AMEND COMPLAINT;
DISMISSING DEFENDANTS'
MOTION FOR SUMMARY
JUDGMENT WITH LEAVE TO
REFILE**

Before the Court are Defendants' Motion for Summary Judgment, ECF No. 22, and Plaintiff's Motion to Amend Complaint, ECF No. 39. The motions were considered without oral argument. Plaintiff is represented by Brett Purtzer and Defendants are represented by Robert Binger.

In his motion, Plaintiff requests that the Court grant him leave to amend his Complaint, ECF No. 1-1, for three reasons. First, Plaintiff states that, through discovery, he has learned the identity of the officers that were involved in the complained-of altercation. Thus, he requests that he be allowed to add in Corrections Officer James Goertler, Sergeant Matt Aebischer, and Corrections Officer Chris Crane as defendants to this case. Second, Plaintiff states that, because the Court dismissed the State of Washington, Washington State Patrol, and Trooper Christopher Bruner as defendants from the case on August 13, 2021, ECF

**ORDER GRANTING PLAINTIFF'S MOTION TO AMEND COMPLAINT;
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WITH LEAVE TO REFILE # 1**

No. 21, he should be allowed to remove these defendants from the Complaint. Finally, Plaintiff states that, in his response to Defendants' Motion for Summary Judgment, he stipulated to dismissal of his claim against Spokane County Detention Services and his negligence claim. ECF No. 35. Thus, Plaintiff requests to remove these two claims. The Court finds good cause to grant the motion.

Because the Court has granted Plaintiff leave to amend his Complaint, Plaintiff will be filing a First Amended Complaint. However, Defendants' pending Motion for Summary Judgment addresses the current Complaint, which will soon be superseded. Accordingly, the Court dismisses Defendants' motion with leave to refile once Plaintiff has filed his First Amended Complaint.

Accordingly, **IT IS HEREBY ORDERED:**

1. Plaintiff's Motion to Amend Complaint, ECF No. 39, is **GRANTED**.
2. Plaintiff is **granted leave** to file his First Amended Complaint.
3. Defendants shall have **twenty-one (21) days** after the filing of Plaintiff's First Amended Complaint to file any response.
4. Defendants' Motion for Summary Judgment, ECF No. 22, is **DISMISSED with leave to refile** after Plaintiff submits his First Amended Complaint.

IT IS SO ORDERED. The District Court Clerk is hereby directed to file this Order and provide copies to counsel.

DATED this 12th day of November 2021.



A handwritten signature in blue ink, reading "Stanley A. Bastian", is written over a horizontal line.

Stanley A. Bastian
Chief United States District Judge

**ORDER GRANTING PLAINTIFF'S MOTION TO AMEND COMPLAINT;
DISMISSING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT
WITH LEAVE TO REFILE # 2**